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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFREY CRAIG YOHAI,

Defendant.

No. CR 18-834-AB

**STIPULATION TO SET TRIAL DATE  
AND EXCLUDE TIME**

Current Dates:

January 25, 2019, 1:30pm SC  
No trial date set

Proposed Dates:

February 22, 2019, 1:30pm SC  
March 19, 2019, Trial

Plaintiff United States of America and defendant Jeffrey Craig Yohai ("defendant"), through their counsel of record, hereby stipulate as follows:

1) Defendant initially appeared before a judicial officer in the district in which this charge was pending on November 7, 2018. The information in this case was filed on December 4, 2018. The Speedy Trial Act of 1984, 18 U.S.C. § 3161 et. seq., requires that the trial commence on or before 70 days from the later of the defendants' initial appearance or the filing of the indictment, or February 12, 2019, in this case. Trial has not yet been set, but a

1 status conference is calendared for January 25, 2019, at 1:30pm.

2 There have been no previous continuances of trial or exclusions of  
3 time. Defendant is detained in this case as well as another one, in  
4 which he is pending sentencing.

5 2) By this stipulation, defendant and the government jointly  
6 request that the Court exclude the time from January 24, 2018, when  
7 the request for this continuance was made by defendant, to the new  
8 trial date, and find the following:

9 a) Initial discovery, consisting of a one terabyte hard  
10 drive of data seized from defendant, was mailed to defense counsel  
11 in November, 2018. An additional DVD of discovery, containing  
12 subpoena returns, new interviews, and additional digital device  
13 data, was mailed to defense counsel around December 3, 2018. Around  
14 January 3, 2019, the government mailed another DVD of the latest  
15 witness interviews and subpoena returns, as well as spreadsheets.  
16 Defense counsel believes she needs additional time to analyze the  
17 initial discovery and discuss it with defendant. The government  
18 expects to provide additional discovery including emails from  
19 defendant's digital devices.

20 b) The parties expect that this case will result in a  
21 plea agreement, not a trial, and have engaged in plea negotiations  
22 resulting in multiple revisions of the plea agreement. Because the  
23 parties have focused on a resolution rather than trial, defense  
24 counsel needs additional time to prepare for trial in the event a  
25 plea agreement cannot be reached.

26 c) Counsel for defendant, in addition to her normal,  
27 full workload as the Federal Defender, has the following major time  
28 commitments: Counsel is actively preparing for a sexual assault

1 trial, which is set to begin on February 5, 2019. Counsel is also  
2 actively readying the Federal Defender's Office's administration for  
3 Phase two of the partial federal government shutdown.

4 d) Counsel for defendant believes that, given the volume  
5 of initial discovery, pending discovery, and her work commitments  
6 before the proposed new trial date, she could not, despite due  
7 diligence, be effective at trial before that date.

8 e) Counsel for defendant has discussed this stipulation  
9 with her client, who supports the proposed new trial date and  
10 exclusion of time.

11 f) For the purpose of computing time under the Speedy  
12 Trial Act, 18 U.S.C. § 3161 et. seq., within which trial must  
13 commence:

14 (i) The time period from January 24, 2019, through  
15 the new trial date is deemed excludable pursuant to 18 U.S.C.  
16 § 3161(h)(7)(A) because it results from a continuance granted by the  
17 Court at defendants' request, on the basis of the Court's finding  
18 that the ends of justice served by taking such action outweigh the  
19 best interest of the public and the defendant in a speedy trial.

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1           The parties agree and stipulate and request that the Court  
2 find that nothing in this stipulation and order shall preclude a  
3 finding that other provisions of the Speedy Trial Act dictate that  
4 additional time periods are excludable from the period within which  
5 trial must commence.

6           IT IS SO STIPULATED.

7  
8       Dated: January 24, 2019

Respectfully submitted,

9           NICOLA T. HANNA  
United States Attorney

10           LAWRENCE S. MIDDLETON  
Assistant United States Attorney  
11 Chief, Criminal Division

12           *Andrew Brown*

13           \_\_\_\_\_  
ANDREW BROWN  
Assistant United States Attorney

14           Attorneys for Plaintiff  
15 UNITED STATES OF AMERICA

16  
17  
18       Dated: January 24, 2019

19       *Hilary Potashner*

20       HILARY POTASHNER  
21 Federal Public Defender  
Attorney for defendant Yohai